
HOUSE BILL 1584

State of Washington 60th Legislature 2007 Regular Session

By Representatives Moeller, Jarrett, Springer, Dunshee, Darneille, Ormsby, Cody, Appleton, McCoy, Kagi, Morrell and Green

Read first time 01/23/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to state institutions; amending RCW 71A.20.020 and
2 72.23.020; adding a new section to chapter 41.06 RCW; adding a new
3 section to chapter 72.05 RCW; adding a new section to chapter 72.16
4 RCW; adding a new section to chapter 72.19 RCW; adding a new section to
5 chapter 72.20 RCW; adding a new section to chapter 72.40 RCW; adding a
6 new section to chapter 72.36 RCW; adding a new section to chapter
7 28A.150 RCW; adding a new section to chapter 72.09 RCW; adding a new
8 chapter to Title 43 RCW; and creating a new section.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** The legislature finds that state
11 institutions serve a critical role in the delivery of services and
12 long-term residential care for the people of the state of Washington.
13 Maintaining the capital needs and assessing the need for efficiencies,
14 consolidation, expansion, reduction, closure, and replacement of state
15 institutions requires both long-term planning and financing. A fair,
16 objective, and factual assessment of the capital facilities is a
17 critical part of how to best meet the needs of the clients of the
18 institutions and the citizens of Washington. However, the state lacks
19 an independent review process and an effective method of decision

1 making for state institutions with excess capacity or with alternative
2 service delivery models to meet state policy. The legislature further
3 finds that independent evidence-based facts are crucial to any decision
4 that affects Washington citizens who reside in state institutions; and
5 that a fair and objective analysis of the independent evidence-based
6 facts will be better for the clients of the institutions.

7 For these reasons, the legislature intends to create an
8 institutions review commission as an independent entity to review state
9 institutions on a regular basis.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

12 (1) "Commission" means the institutions review commission created
13 under section 3 of this act.

14 (2) "Commissioner" means a member of the commission created under
15 section 3 of this act.

16 (3) "Immediate family member" means the parents, spouse, siblings,
17 children, or dependent relative of the official, employee, or lobbyist
18 whether or not living in the household of the official, employee, or
19 lobbyist.

20 (4) "Lobbyist" means a person registered as a lobbyist under
21 chapter 42.17 RCW.

22 (5) "Public official" means any person holding federal, state,
23 county, city, town, school district, port district, special district,
24 or other state political subdivision elective office.

25 (6) "Review cycle" means the period beginning July 1st of an odd-
26 numbered year and ending December 1st of the following even-numbered
27 year.

28 (7) "State institution" means residential habilitation centers,
29 state institutions for juvenile offenders, state hospitals, the state
30 school for the deaf, the state school for the blind, the department of
31 corrections, the department of veterans affairs, and facilities
32 associated with the Washington national guard youth challenge program
33 pursuant to RCW 28A.150.305.

34 NEW SECTION. **Sec. 3.** The institutions review commission is
35 established to review the effectiveness of and the need for state
36 institutions.

1 (1) The nine-member commission must be appointed as follows:

2 (a) By July 1, of 2007, and by July 1st of each odd-numbered year
3 thereafter, the two largest caucuses of each house of the legislature
4 shall each appoint one commissioner. The governor shall appoint five
5 commissioners.

6 (b) Commissioners serve two-year terms expiring July 1st of each
7 odd-numbered year. Commissioners may be reappointed, subject to the
8 conditions of this section.

9 (c) The commission members shall be appointed based on geographic
10 representation of the state.

11 (d) The following persons are ineligible for appointment to the
12 commission:

13 (i) Persons who reside in a legislative district where an
14 institution that is scheduled for review during that review cycle is
15 located;

16 (ii) State officials, public employees, representatives of unions
17 that represent public employees, lobbyists, and immediate family
18 members of such officials, employees, representatives, or lobbyists.

19 (e) Upon a vacancy in any position on the commission, the original
20 appointing authority must appoint a successor to fill the unexpired
21 term within thirty days.

22 (2) Commissioners may not receive compensation for their services,
23 but shall receive a subsistence allowance and travel expenses under RCW
24 43.03.050 and 43.03.060.

25 (3) The commissioners shall elect a chair from among their members.

26 NEW SECTION. **Sec. 4.** (1) The commission shall investigate, make
27 findings of fact, and make determinations about the efficiency of the
28 institutions reviewed, including but not limited to the decision
29 whether to consolidate, expand, close, replace, or retain an
30 institution under review.

31 (2) The commission is authorized to access state information and
32 data regarding institutions, and state agencies shall cooperate with
33 the commission in its efforts to collect data.

34 (3) The commission shall hold at least one public hearing regarding
35 each institution under review within the vicinity of the facility under
36 review.

1 (4) Based on its review, the commission shall determine whether to
2 consolidate, expand, reduce, close, replace, or retain a state
3 institution. The commission shall provide its decisions to the
4 governor and the appropriate policy and fiscal committees of the
5 legislature before December 1st of each even-numbered year.

6 NEW SECTION. **Sec. 5.** In conducting its review of state
7 institutions and in making its decision to consolidate, expand, reduce,
8 close, replace, or retain an institution, the commission shall consider
9 criteria including but not limited to the following:

10 (1) The best quality of care for the institution's residents based
11 on state laws and policies regarding care and treatment, including
12 community care and treatment, for clients and potential clients of the
13 institutions;

14 (2) The condition of the institution's physical plant and the need
15 for repair or renovation;

16 (3) The institution's location relative to population centers,
17 supporting services, persons served, and families of persons served;

18 (4) The best and highest use of the institution's property;

19 (5) The costs of providing service at that institution relative to
20 like institutions and community care or treatment; and

21 (6) State duties, objectives, and policies as expressed in law or
22 in formally adopted agency policies.

23 NEW SECTION. **Sec. 6.** (1) Unless the legislature, by a two-thirds
24 vote of each house, rejects or revises the decision in law, the
25 commission's decision to consolidate, expand, reduce, close, replace,
26 or retain an institution takes effect the July 1st following the end of
27 the review cycle, and the governor and the various state agencies shall
28 implement the commission's decisions.

29 (2) The authority granted to the commission to consolidate, reduce,
30 close, replace, or retain an institution is supplemental to and in
31 addition to any powers granted to the governor as a management right.

32 NEW SECTION. **Sec. 7.** During the 2007-08 review cycle, the
33 commission shall review the state school for the blind and the state
34 school for the deaf and report its decisions by December 1, 2008.

1 NEW SECTION. **Sec. 8.** The commission shall review all state
2 institutions at least once during the five consecutive review cycles
3 that begin July 1, 2007.

4 By May 31, 2009, and each odd-numbered year thereafter, the
5 commission shall designate the institutions to be reviewed in the
6 following review cycle by the subsequently appointed commissioners.

7 NEW SECTION. **Sec. 9.** The commission has the following powers and
8 duties in addition to any other powers and duties authorized or
9 required by law. The commission:

10 (1) Shall employ an executive director, who serves at the
11 discretion of the commission, and other staff as are necessary to
12 implement the purposes of this chapter;

13 (2) May make, execute, and deliver contracts, conveyances, and
14 other instruments necessary to exercise and discharge its powers and
15 duties;

16 (3) May contract for all or part of the services necessary for the
17 management and operation of the commission with other state or nonstate
18 entities authorized to do business in the state; and

19 (4) May contract with consultants as necessary to carry out its
20 responsibilities.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.06 RCW
22 to read as follows:

23 In addition to the exemptions set forth in RCW 41.06.070, the
24 provisions of this chapter do not apply to the institutions review
25 commission created in section 3 of this act or to the executive
26 director of the institutions review commission.

27 **Sec. 11.** RCW 71A.20.020 and 1994 c 215 s 1 are each amended to
28 read as follows:

29 The following residential habilitation centers are (~~permanently~~)
30 established, subject to sections 1 through 9 of this act, to provide
31 services to persons with developmental disabilities: Lakeland Village,
32 located at Medical Lake, Spokane county; Rainier School, located at
33 Buckley, Pierce county; Yakima Valley School, located at Selah, Yakima
34 county; Fircrest School, located at Seattle, King county; and Frances
35 Haddon Morgan Children's Center, located at Bremerton, Kitsap county.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 72.05 RCW
2 to read as follows:

3 The institutions established in this chapter are subject to the
4 provisions of sections 1 through 9 of this act.

5 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.16 RCW
6 to read as follows:

7 The institutions established in this chapter are subject to the
8 provisions of sections 1 through 9 of this act.

9 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.19 RCW
10 to read as follows:

11 The institutions established in this chapter are subject to the
12 provisions of sections 1 through 9 of this act.

13 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.20 RCW
14 to read as follows:

15 The institutions established in this chapter are subject to the
16 provisions of sections 1 through 9 of this act.

17 **Sec. 16.** RCW 72.23.020 and 1959 c 28 s 72.23.020 are each amended
18 to read as follows:

19 There are hereby (~~permanently~~) located and established, subject
20 to sections 1 through 9 of this act, the following state hospitals:
21 Western state hospital at Fort Steilacoom, Pierce county; eastern state
22 hospital at Medical Lake, Spokane county; and northern state hospital
23 near Sedro Woolley, Skagit county.

24 NEW SECTION. **Sec. 17.** A new section is added to chapter 72.40 RCW
25 to read as follows:

26 The institutions established in this chapter are subject to the
27 provisions of sections 1 through 9 of this act.

28 NEW SECTION. **Sec. 18.** A new section is added to chapter 72.36 RCW
29 to read as follows:

30 The institutions established in this chapter are subject to the
31 provisions of sections 1 through 9 of this act.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.150
2 RCW to read as follows:

3 Institutions established for the Washington national guard youth
4 challenge program are subject to the provisions of sections 1 through
5 9 of this act.

6 NEW SECTION. **Sec. 20.** A new section is added to chapter 72.09 RCW
7 to read as follows:

8 Institutions established by the department of corrections are
9 subject to the provisions of sections 1 through 9 of this act.

10 NEW SECTION. **Sec. 21.** Sections 1 through 9 of this act constitute
11 a new chapter in Title 43 RCW.

12 NEW SECTION. **Sec. 22.** The governor and the leaders of the largest
13 caucuses in each house of the legislature may take the necessary steps
14 to ensure that this act is implemented on its effective date.

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